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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,272	02/06/2002	Gabriel Daemon Engel		7736

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EXAMINER

NGUYEN, KEVIN M

ART UNIT	PAPER NUMBER
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2629

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05/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/049,272	ENGEL ET AL.	
	Examiner	Art Unit	
	Kevin M. Nguyen	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 84-119 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 84-119 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Response to applicant's amendment filed on 3/2/2007, the amended claims 84-119 have not been entered. The applicant's arguments, see pages 8-11 filed on 3/2/2007, with respect to the amended claims 84-119 have been fully considered are not persuasive. The amendment necessitated the new grounds of rejection presented in this Final office action.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "*a second display screen overlapping said first display screen*", must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 84-119 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claims above, the applicant introduces new subject matter as read in light of the specification into the claim 84, such as claimed feature "*a second display screen overlapping said first display screen*", as recited in independent claim 84, line 4; "an active display screen" as recited in independent claim 84, line 6; "transition" as recited in dependent claim 89, line 2; "active display screen" and "second input" as recited in independent claim 96, line 7; "transition" as recited in dependent claim 101, line 2; "adjusting" as recited in depend claim 102, line 3; "active" and "second input" as recited in independent claim 108, line 3 and line 9. The original disclosure does not support the

new subject matter as indicated above. Where is the above-identified features supported in the specification?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 84-119** are rejected under 35 U.S.C. 102(e) as being anticipated by **Wilks et al** (US 6,246,407, hereinafter **Wilks**).

4. **Claim 84, Wilks** teaches a system comprising: a multi-layer display comprising: a first display screen (14); and a second display screen (26) overlapping said first display screen (14), and a user interface component (a cursor) for designing at least one of said first and second display screen as an active display screen (active state in focus) for responding to an input (the input), fig. 2, col. 3, lines 5-18.

Claim 85, Wilks teaches said user input device is a mouse, col. 3, line 46.

Claim 86, Wilks teaches said user input device is a touchscreen, col. 3, lines 46-47.

Claim 87, Wilks teaches said user input device is a pen, col. 3, line 47.

Claim 88, Wilks review said user interface component is operable to designate said at least one active display screen in response to a sound (col. 1, lines 40-50 disclosing a video game, which inherently has a sound).

Claim 89, Wilks teaches the transition from one state to the other may be done in multiple steps range from 2 to several hundred steps, linearly, ect. (col. 4, lines 35-37).

Claim 90, Wilks teaches wherein said input is operable to adjust said display of said graphical object on said at least one active display screen, as discussed in col. 3, lines 12-18.

Claim 91, Wilks teaches said graphical object comprises an icon 20.

Claim 92, Wilks reviews said graphic object is associated with a video game application, col. 1, lines 40-50.

Claim 93, Wilks teaches said graphical object is associated with a graphic application (the graphic user interfaces, GUIs, col. 1, lines 57-59).

Claim 94, Wilks teaches said input comprises a user input, as discussed in col. 3, lines 43-49.

Claim 95, Wilks teaches said user input comprises an input to said user interface component, as discussed in col. 3, lines 43-49.

Claim 96, Wilks teaches a method of designating at least one active display screen in a multi-layer display, said method comprising: detecting a first input from a user interface component (a computer mouse); determining at least one display screen (14) of said multi-layer display (multi-window) associated with said first input; and designating said at least one display screen (26) of said multi-layer display screen for responding to a second input (cursor position #1, fig. 2, col. 3, lines 5-18).

Claim 97 shares the same limitations as those of claim 85 and therefore the rationale for rejection will be the same.

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Claim 98 shares the same limitations as those of claim 86 and therefore the rationale for rejection will be the same.

Claim 99 shares the same limitations as those of claim 87 and therefore the rationale for rejection will be the same.

Claim 100 shares the same limitations as those of claim 88 and therefore the rationale for rejection will be the same.

Claim 101 shares the same limitations as those of claim 89 and therefore the rationale for rejection will be the same.

Claim 102 shares the same limitations as those of claim 90 and therefore the rationale for rejection will be the same.

Claim 103 shares the same limitations as those of claim 91 and therefore the rationale for rejection will be the same.

Claim 104 shares the same limitations as those of claim 92 and therefore the rationale for rejection will be the same.

Claim 105 shares the same limitations as those of claim 93 and therefore the rationale for rejection will be the same.

Claim 106 shares the same limitations as those of claim 94 and therefore the rationale for rejection will be the same.

Claim 107 shares the same limitations as those of claim 95 and therefore the rationale for rejection will be the same.

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Claim 108, the limitation of claim 108 is similar to those of claim 96, though in computer-readable program instructions form (col. 8, lines 30-33), therefore the rejection of claim 108, will be treated using the same rationale as claim 96

Claim 109 shares the same limitations as those of claim 85 and therefore the rationale for rejection will be the same.

Claim 110 shares the same limitations as those of claim 86 and therefore the rationale for rejection will be the same.

Claim 111 shares the same limitations as those of claim 87 and therefore the rationale for rejection will be the same.

Claim 112 shares the same limitations as those of claim 88 and therefore the rationale for rejection will be the same.

Claim 113 shares the same limitations as those of claim 89 and therefore the rationale for rejection will be the same.

Claim 114 shares the same limitations as those of claim 90 and therefore the rationale for rejection will be the same.

Claim 115 shares the same limitations as those of claim 91 and therefore the rationale for rejection will be the same.

Claim 116 shares the same limitations as those of claim 92 and therefore the rationale for rejection will be the same.

Claim 117 shares the same limitations as those of claim 93 and therefore the rationale for rejection will be the same.

Claim 118 shares the same limitations as those of claim 94 and therefore the rationale for rejection will be the same.

Claim 119 shares the same limitations as those of claim 95 and therefore the rationale for rejection will be the same.

Response to Arguments

5. Applicant's arguments with respect to claims 84-119 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

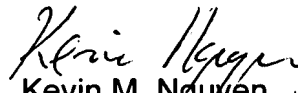
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kevin M. Nguyen
Examiner
Art Unit 2629

KMN